

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of

HANAI et al

Atty. Ref.: **249-255**

Serial No. **Unknown**

Group:

National Phase of: **PCT/JP00/06774**

International Filing Date: **29 September 2000**

Filed: **March 29, 2002** Examiner:

For: **COMPLEMENTARY DETERMINING REGION-GRAFTED
ANTIBODY AGAINST GANGLIOSIDE GD3 AND
DERIVATIVE OF ANTIBODY AGAINST GANGLIOSIDE
GD3**

* * * * *

April 1, 2002

Assistant Commissioner for Patents
Washington, DC 20231

Sir:

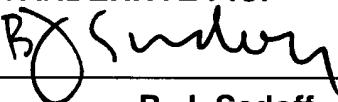
SECOND SUBMISSION

It has come to the attention of the undersigned that copies of the Budapest Treaty Deposit receipts relating to FERM BP-6918, FERM BP-6791 & BP-6790 may not have been included as indicated under item 20 on the attached copy of the Transmittal Letter dated March 29, 2002. Copies thereof are submitted herewith.

Respectfully submitted,

NIXON & VANDERHYE P.C.

By:



B. J. Sadoff

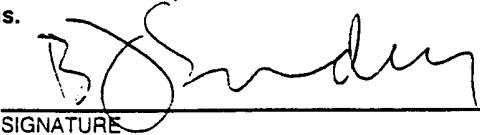
Reg. No. **36,663**

BJS:Imy

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FORM PTO-1390 (REV 11-2000)	U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE		ATTORNEY'S DOCKET NUMBER 249-255
TRANSMITTAL LETTER TO THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US) CONCERNING A FILING UNDER 35 U.S.C. 371		U.S. APPLICATION NO. (If known, see 37 C.F.R. 1.5) Unknown	
INTERNATIONAL APPLICATION NO. PCT/JP00/06774	INTERNATIONAL FILING DATE 29 September 2000	PRIORITY DATE CLAIMED 30 September 1999	
TITLE OF INVENTION COMPLEMENTARY DETERMINING REGION-GRAFTED ANTIBODY AGAINST GANGLIOSIDE GD3 AND DERIVATIVE OF ANTIBODY AGAINST GANGLIOSIDE GD3			
APPLICANT(S) FOR DO/EO/US HANAI et al			
Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:			
<ol style="list-style-type: none"> <input checked="" type="checkbox"/> This is a FIRST submission of items concerning a filing under 35 U.S.C. 371. <input type="checkbox"/> This is a SECOND or SUBSEQUENT submission of items concerning a filing under 35 U.S.C. 371. <input checked="" type="checkbox"/> This is an express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and (21) indicated below. <input checked="" type="checkbox"/> The U.S. has been elected by the expiration of 19 months from the priority date (Article 31). A copy of the International Application as filed (35 U.S.C. 371(c)(2)). <ol style="list-style-type: none"> <input type="checkbox"/> is attached hereto (required only if not communicated by the International Bureau). <input checked="" type="checkbox"/> has been communicated by the International Bureau. <input type="checkbox"/> is not required, as the application was filed in the United States Receiving Office (RO/US). <input checked="" type="checkbox"/> An English language translation of the International Application as filed (35 U.S.C. 371(c)(2)). <ol style="list-style-type: none"> <input checked="" type="checkbox"/> is attached hereto. <input type="checkbox"/> has been previously submitted under 35 U.S.C. 154(d)(4). <input type="checkbox"/> Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3)) <ol style="list-style-type: none"> <input type="checkbox"/> are attached hereto (required only if not communicated by the International Bureau). <input type="checkbox"/> have been communicated by the International Bureau. <input type="checkbox"/> have not been made; however, the time limit for making such amendments has NOT expired. <input type="checkbox"/> have not been made and will not be made. <input type="checkbox"/> An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)). <input checked="" type="checkbox"/> An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)). <input type="checkbox"/> A English language translation of the annexes of the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)). 			
<p>Items 11 To 20 below concern document(s) or information included:</p> <ol style="list-style-type: none"> <input type="checkbox"/> An Information Disclosure Statement under 37 C.F.R. 1.97 and 1.98. <input checked="" type="checkbox"/> An assignment document for recording. A separate cover sheet in compliance with 37 C.F.R. 3.28 and 3.31 is included. <input type="checkbox"/> A FIRST preliminary amendment. <input type="checkbox"/> A SECOND or SUBSEQUENT preliminary amendment. <input type="checkbox"/> A substitute specification. <input type="checkbox"/> A change of power of attorney and/or address letter. <input checked="" type="checkbox"/> A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 35 U.S.C. 1.821-1.825. <input type="checkbox"/> A second copy of the published international application under 35 U.S.C. 154(d)(4). <input type="checkbox"/> A second copy of the English language translation of the international application under 35 U.S.C. 154(d)(4). <input checked="" type="checkbox"/> Other items or information. PTO -1449 and copy of International Search Report and a paper copy of Sequence Listing; Budapest Treaty Deposit receipts relating to FERM BP-6918, FERM BP-6791 & FERM BP6790 			

COPY

U.S. APPLICATION NO. (If known, see 37 C.F.R. 1.5) Unknown	INTERNATIONAL APPLICATION NO. PCT/JP00/06774	ATTORNEY'S DOCKET NUMBER 249-255		
21. <input checked="" type="checkbox"/> The following fees are submitted:		CALCULATIONS PTO USE ONLY		
BASIC NATIONAL FEE (37 C.F.R. 1.492(a)(1)-(5): <ul style="list-style-type: none"> -- Neither international preliminary examination fee (37 C.F.R. 1.482) nor international search fee (37 C.F.R. 1.445(a)(2)) paid to USPTO and International Search Report not prepared by the EPO or JPO \$1040.00 -- International preliminary examination fee (37 C.F.R. 1.482) not paid to USPTO but International Search Report prepared by the EPO or JPO \$890.00 -- International preliminary examination fee (37 C.F.R. 1.482) not paid to USPTO but international search fee (37 C.F.R. 1.445(a)(2)) paid to USPTO \$740.00 -- International preliminary examination fee (37 C.F.R. 1.482) paid to USPTO but all claims did not satisfy provisions of PCT Article 33(1)-(4) \$710.00 -- International preliminary examination fee (37 C.F.R. 1.482) paid to USPTO and all claims satisfied provisions of PCT Article 33(1)-(4) \$100.00 				
ENTER APPROPRIATE BASIC FEE AMOUNT =		\$ 890.00		
Surcharge of \$130.00 for furnishing the oath or declaration later than <input type="checkbox"/> 20 <input type="checkbox"/> 30 months from the earliest claimed priority date (37 C.F.R. 1.492(e)).		\$ 0.00		
CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE	
Total Claims	66	-20 =	46	X \$18.00 \$ 828.00
Independent Claims	2	-3 =	0	X \$84.00 \$ 0.00
MULTIPLE DEPENDENT CLAIMS(S) (if applicable)				\$ 0.00
			TOTAL OF ABOVE CALCULATIONS =	\$ 1718.00
<input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. The fees indicated above are reduced by 1/2.				0.00
			SUBTOTAL =	\$ 1718.00
Processing fee of \$130.00, for furnishing the English Translation later than <input type="checkbox"/> 20 <input type="checkbox"/> 30 months from the earliest claimed priority date (37 C.F.R. 1.492(f)).				+ 0.00
			TOTAL NATIONAL FEE =	\$ 1718.00
Fee for recording the enclosed assignment (37 C.F.R. 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 C.F.R. 3.28, 3.31). \$40.00 per property				+ \$ 40.00
Fee for Petition to Revive Unintentionally Abandoned Application (\$1280.00 - Small Entity = \$640.00)				\$ 0.00
			TOTAL FEES ENCLOSED =	\$ 1758.00
			Amount to be: refunded \$	
			Charged \$	
a. <input checked="" type="checkbox"/> A check in the amount of \$1758.00 to cover the above fees is enclosed.				
b. <input type="checkbox"/> Please charge my Deposit Account No. 14-1140 in the amount of \$_____ to cover the above fees. A duplicate copy of this form is enclosed.				
c. <input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. <u>14-1140</u> . A <u>duplicate copy</u> of this form is enclosed.				
d. <input checked="" type="checkbox"/> The entire content of the foreign application(s), referred to in this application is/are hereby incorporated by reference in this application.				
NOTE: Where an appropriate time limit under 37 C.F.R. 1.494 or 1.495 has not been met, a petition to revive (37 C.F.R. 1.137(a) or (b)) must be filed and granted to restore the application to pending status.				
SEND ALL CORRESPONDENCE TO: NIXON & VANDERHYE P.C. 1100 North Glebe Road, 8th Floor Arlington, Virginia 22201-4714 Telephone: (703) 816-4000				
 SIGNATURE				
B. J. Sadoff NAME				
36,663 March 29, 2002 REGISTRATION NUMBER Date				

BUDAPEST TREATY ON THE INTERNATIONAL RECOGNITION OF THE DEPOSIT OF MICROORGANISMS FOR THE PURPOSES OF PATENT PROCEDURE

特許手続上の微生物の寄託の国際的承認
に関するブダペスト条約

下記国際寄託当局によって規則7.1に従い
施行される。

原寄託についての受託証

RECEIPT IN THE CASE OF AN ORIGINAL DEPOSIT

Issued pursuant to Rule 7.1 by the
INTERNATIONAL DEPOSITORY AUTHORITY
identified at the bottom of this
page.

氏名（名称） 協和醸酵工業株式会社
取締役社長 平田 正

寄託者 殿
あて名 〒 東京都千代田区大手町一丁目6番1号

1. 微生物の表示

（寄託者が付した識別のための表示）

KM871-BIL2

（受託番号）

FERM BP- 6918

2. 科学的性質及び分類学上の位置

1 植の微生物には、次の事項を記載した文書が添付されていた。

- 科学的性質
- 分類学上の位置

3. 受領及び受託

本国際寄託当局は、平成 11 年 10 月 19 日（原寄託日）に受領した1植の微生物を受託する。

4. 移管請求の受領

本国際寄託当局は、 年 月 日（原寄託日）に1植の微生物を受領した。
そして、 年 月 日に原寄託よりブダペスト条約に基づく寄託への移管請求を受領した。

5. 国際寄託当局

通商産業省工業技術院生命工学工業技術研究所

名 称： National Institute of Bioscience and Human-Technology
Agency of Natural Resources and
Industrial Science and Technology

所 長 大曾 信一郎

Dr. Shigenori Oba Director-General

あて名： 日本国茨城県つくば市東町三丁目三番六号（郵便番号305-8566）
1-3, Higashimachi, Tsukuba-shi, Ibaraki-ken
305-8566, JAPAN

平成 11 年 (1999) 10 月 19 日

特許手続上の微生物の寄託の国際的承認
に関するブダペスト条約

下記国際寄託当局によって規則 7.1 に従い
発行される。

原寄託についての受託証

BUDAPEST TREATY ON THE INTERNATIONAL
RECOGNITION OF THE DEPOSIT OF
MICROORGANISMS FOR THE PURPOSES OF
PATENT PROCEDURE

RECEIPT IN THE CASE OF AN ORIGINAL
DEPOSIT

Issued pursuant to Rule 7.1 by the
INTERNATIONAL DEPOSITORY AUTHORITY
identified at the bottom of this
page.

氏名（名称） 協和醸酵工業株式会社
取締役社長 平田 正

殿

寄託者

あて名 東京都千代田区大手町一丁目6番1号

1. 微生物の表示

（寄託者が付した識別のための表示）

KM8871h1L2

（受託番号）

FERM BP- 6791

2. 科学的性質及び分類学上の位置

1 植物の微生物には、次の事項を記載した文書が添付されていた。

- 科学的性質
- 分類学上の位置

3. 受領及び受託

本国際寄託当局は、平成 11 年 7 月 22 日（原寄託日）に受領した1種の微生物を受託する。

4. 移管請求の受領

本国際寄託当局は、 年 月 日（原寄託日）に1種の微生物を受領した。
そして、 年 月 日に原寄託よりブダペスト条約に基づく寄託への移管請求を受領した。

5. 国際寄託当局

通商産業省工業技術院生命工学工業技術研究所

名称: National Institute of Bioscience and Human-Technology
Agency of Natural and Industrial Science and Technology

所長 大著 信一 Dr. Shigenori Oishi

Director-General

あて名: 日本国茨城県つくば市東大手町1番1号（郵便番号305-8566）
1-3, Higashi 1 chome Tsukuba-shi Ibaraki-ken
305-8566, JAPAN

平成11年(1999) 7月22日

特許手続上の微生物の寄託の国際的承認
に関するブダペスト条約

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原寄託についての受託証

BUDAPEST TREATY ON THE INTERNATIONAL RECOGNITION OF THE DEPOSIT OF MICROORGANISMS FOR THE PURPOSES OF PATENT PROCEDURE

RECEIPT IN THE CASE OF AN ORIGINAL DEPOSIT

issued pursuant to Rule 7.1 by the INTERNATIONAL DEPOSITORY AUTHORITY identified at the bottom of this page.

氏名（名称） 協和醸酵工業株式会社
取締役社長 平田 正

寄託者 殿
あて名 東京都千代田区大手町一丁目6番1号

1. 微生物の表示

（寄託者が付した識別のための表示）

KM8871

（受託番号）

FERM BP-6790

2. 科学的性質及び分類学上の位置

1 案の微生物には、次の事項を記載した文書が添付されていた。

- 科学的性質
- 分類学上の位置

3. 受領及び受託

本国際寄託当局は、平成11年7月22日（原寄託日）に受領した1案の微生物を受託する。

4. 移管請求の受領

本国際寄託当局は、 年 月 日（原寄託日）に1案の微生物を受領した。
そして、 年 月 日に原寄託よりブダペスト条約に基づく寄託への移管請求を受領した。

5. 国際寄託当局

通商産業省工業技術院生命工学工業技術研究所

名 称： National Institute of Bioscience and Human-Technology
Agency of Natural Resources and Environmental Science and Technology

所 長 大 姉 信

Dr. Shinjiro Kondo Director-General

あて名： 日本国茨城県つくば市東1丁目1番3号（郵便番号305-8566）

1-3, Higashi 1 chome Tsukuba-shi Ibaraki-ken
305-8566, JAPAN

平成11年(1999) 7月22日

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The PTO did not receive the following
listed item(s)

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